



# ZONING BOARD OF ADJUSTMENT & APPEALS

## AGENDA REQUEST

<b>AGENDA OF:</b>	09/15/10	<b>AGENDA REQUEST NO:</b>	III-B
<b>INITIATED BY:</b>	RUTH LOHMER, AICP, SENIOR PLANNER <i>RL</i>	<b>RESPONSIBLE DEPARTMENT:</b>	PLANNING
<b>PRESENTED BY:</b>	RUTH LOHMER, AICP, SENIOR PLANNER	<b>ASSISTANT PLANNING DIRECTOR:</b>	N/A
		<b>ADDITIONAL DEPARTMENT. HEAD (S):</b>	N/A
<b>SUBJECT / PROCEEDING:</b>	SPECIAL EXCEPTION TO THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT REAR YARD SETBACK REQUIREMENT – 1410 SUGAR CREEK BLVD IN SUGAR CREEK SECTION 23 PUBLIC HEARING, CONSIDERATION AND ACTION		
<b>EXHIBITS:</b>	STAFF REPORT, VICINITY MAP, SITE PLAN, AERIAL, SITE PHOTOS, ELEVATIONS, PLAT EXCERPT, APPLICATION, PUBLIC HEARING NOTICE		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	N/A	<b>INTERIM PLANNING DIRECTOR:</b>	DOUGLAS SCHOMBURG, AICP <i>D.S.</i>
<b>RECOMMENDED ACTION</b>			
Approval of the requested Special Exception to allow the proposed addition in accordance with the attached site plan and elevations.			
<b>EXECUTIVE SUMMARY</b>			
<p>This is a request for a Special Exception from the required 15-foot rear yard setback in the Standard Single-Family Residential (R-1) District for property located at 1410 Sugar Creek Blvd. The property was platted in 1976 in the <i>Sugar Creek Section 23</i> subdivision. When the property was annexed into the City of Sugar Land in 1984, R-1 zoning was applied to the subdivision, which requires a 15-foot rear yard setback for primary structures. The recorded covenants and restrictions provide for a 5-foot rear yard setback. The applicants have proposed to construct a covered deck in the rear of the home which would extend to approximately 6.5 feet from the rear property line. The existing home is located within the 15-foot rear yard setback.</p>			
File No. P0012509 CC: Rick Walsh, <a href="mailto:rwalsh@whitakerinterests.com">rwalsh@whitakerinterests.com</a> Lydia Pearce, <a href="mailto:lpearce@arccorp.com">lpearce@arccorp.com</a>			

**STAFF REPORT**

**Request for a special exception to the Standard Single-Family Residential (R-1) district rear yard setback requirement for 1410 Sugar Creek Blvd in Sugar Creek Section 23.**

**Analysis of Special Exception- Four Development Code Criteria:**

*After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:*

**Criterion One:**

*The latest recorded plat of the property was approved prior to being annexed into the City;*

**Plat recorded:           1976**

**Annexed:                1984**

**Criterion Two:**

*The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)*

The recorded covenants and restrictions established a 5-foot rear yard setback for the home during development. Chapter 2 (Zoning) requires a setback of 15 feet. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

**Criterion Three:**

*Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and*

The Special Exception would allow the addition of a covered deck/patio that would be located approximately 6.5 feet from the rear property line. The Special Exception would not establish a setback that is less restrictive than the approved plat or recorded restrictions (5 feet).

**Criterion Four:**

*Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.*

**Staff has examined the proposed Special Exception for key aspects:**

- **Public Safety Review:** There do not appear to be any public safety issues associated with this request. Staff has not identified any safety concerns as a result of the proposed addition.
- **Proposal and the Neighborhood – Rear Setback Comparison:** The proposed addition appears to be generally compatible with the neighborhood based on an analysis of the proposed use of the site and an examination of the surrounding area. Many of the homes in the area do not appear to meet the 15 foot rear yard setback (per zoning). The architecture of the proposed addition appears generally compatible with the area.

**Conditions:**

*To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:*

- 1. Impose reasonable conditions or restrictions; and*
- 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

**Public Hearing Notice**

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land's Internet Home Page. All property owners within 200 feet of the proposed site were notified and a courtesy sign was placed on site. Staff has received nine inquiries regarding this request at the time of writing this report, all of which were informational in nature. Planning staff is not aware of any opposition to the Special Exception at this time.

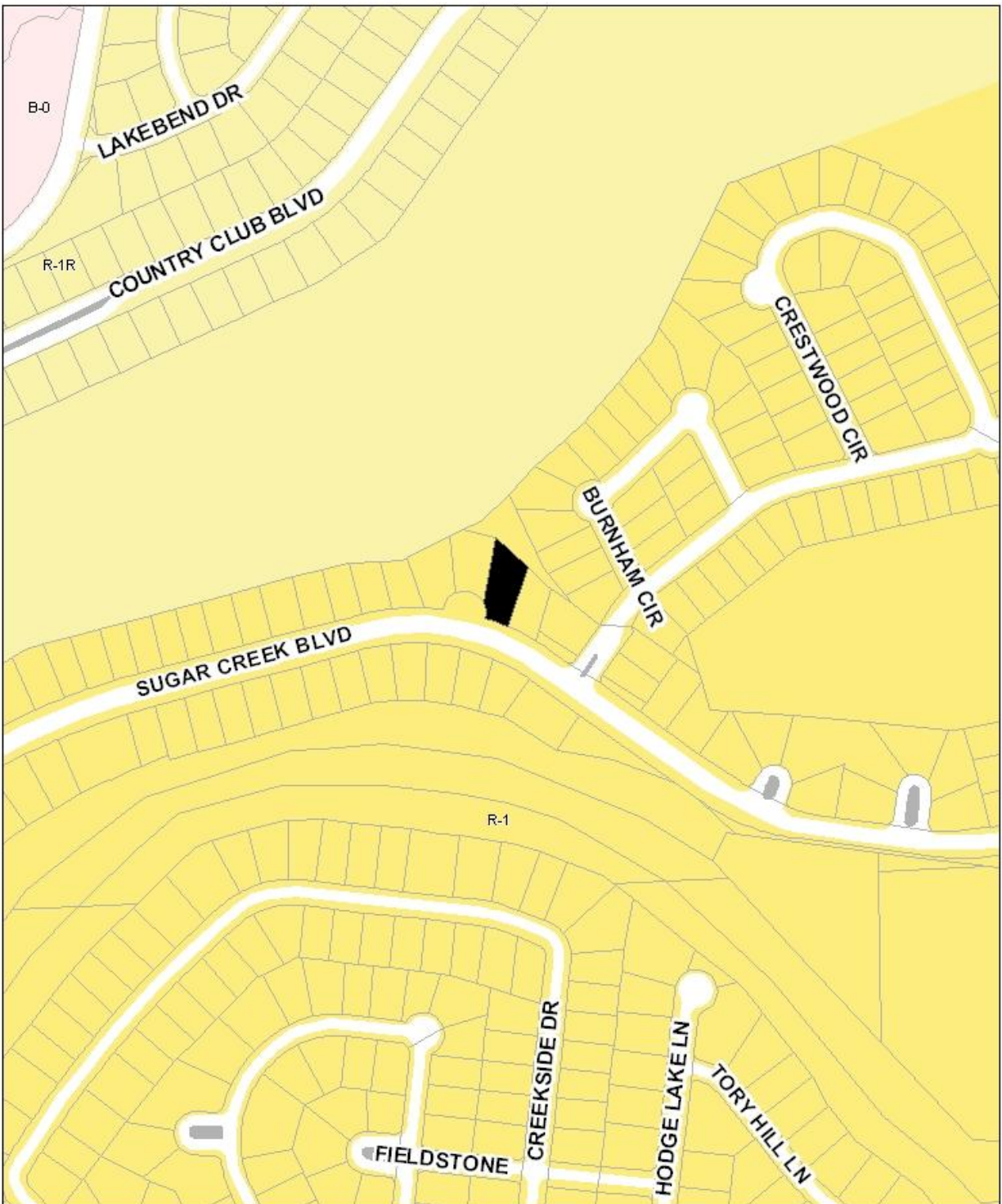
**Staff Recommendation**

Staff recommends that the Special Exception be approved subject to the following conditions:

- Addition will be constructed in accordance with the attached site plan
- Addition will be constructed in accordance with the attached elevations

VICINITY MAP

**1410 SUGAR CREEK BLVD**

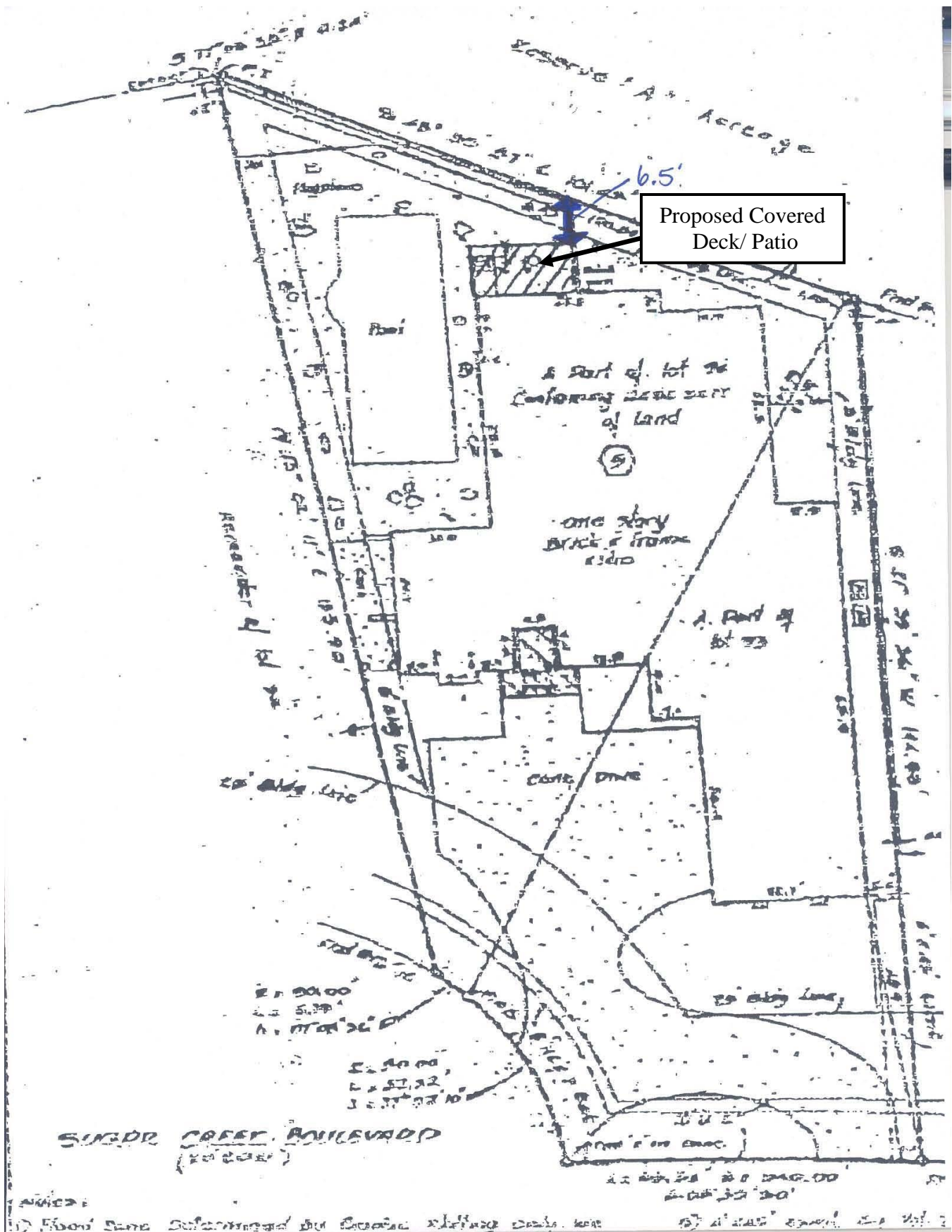


200

Feet

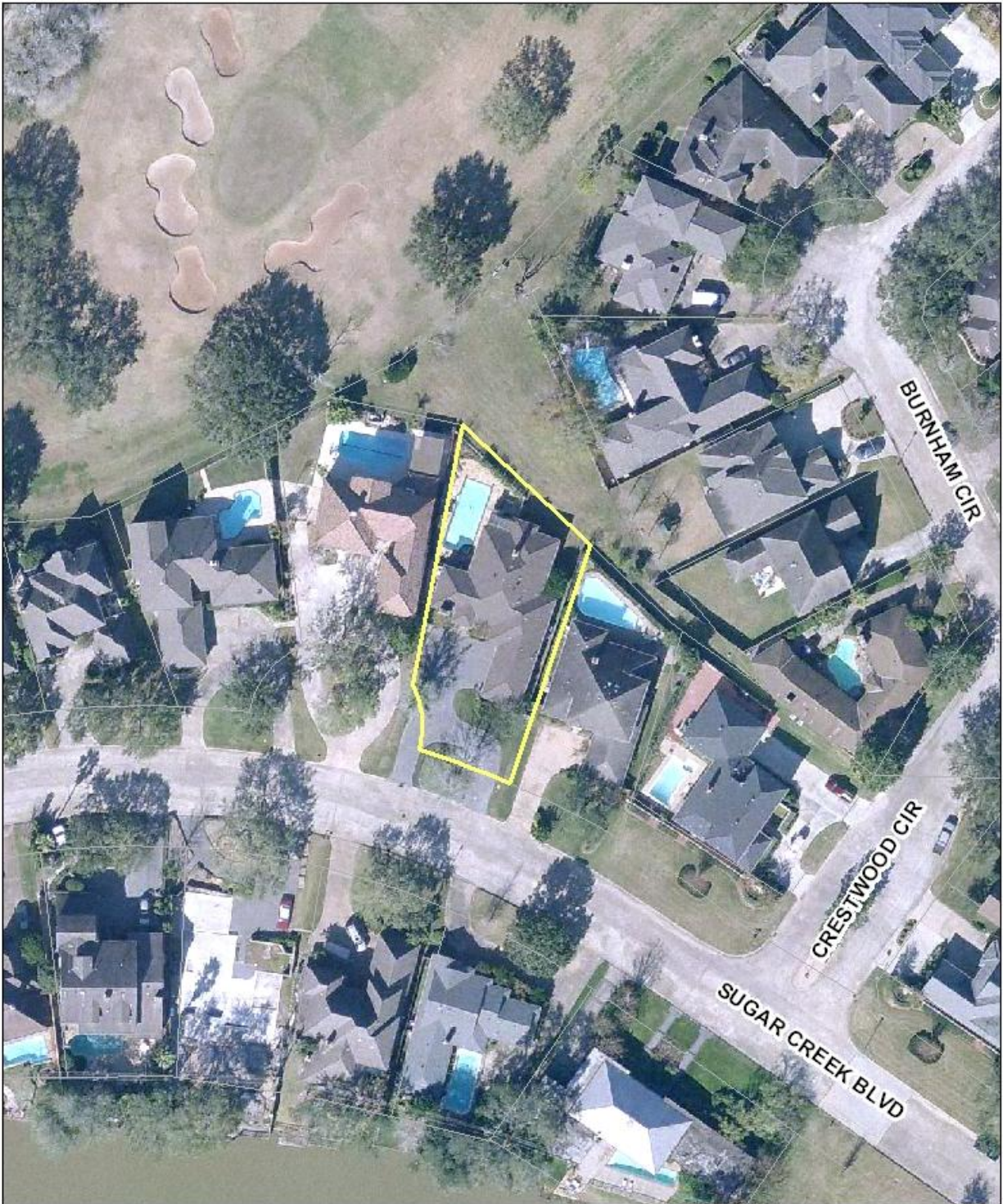


## SITE PLAN



AERIAL

1410 SUGAR CREEK BLVD



25  
□ Feet



## **SITE PHOTOS**

***Front of House:***



***View of Area of Addition from Rear:***



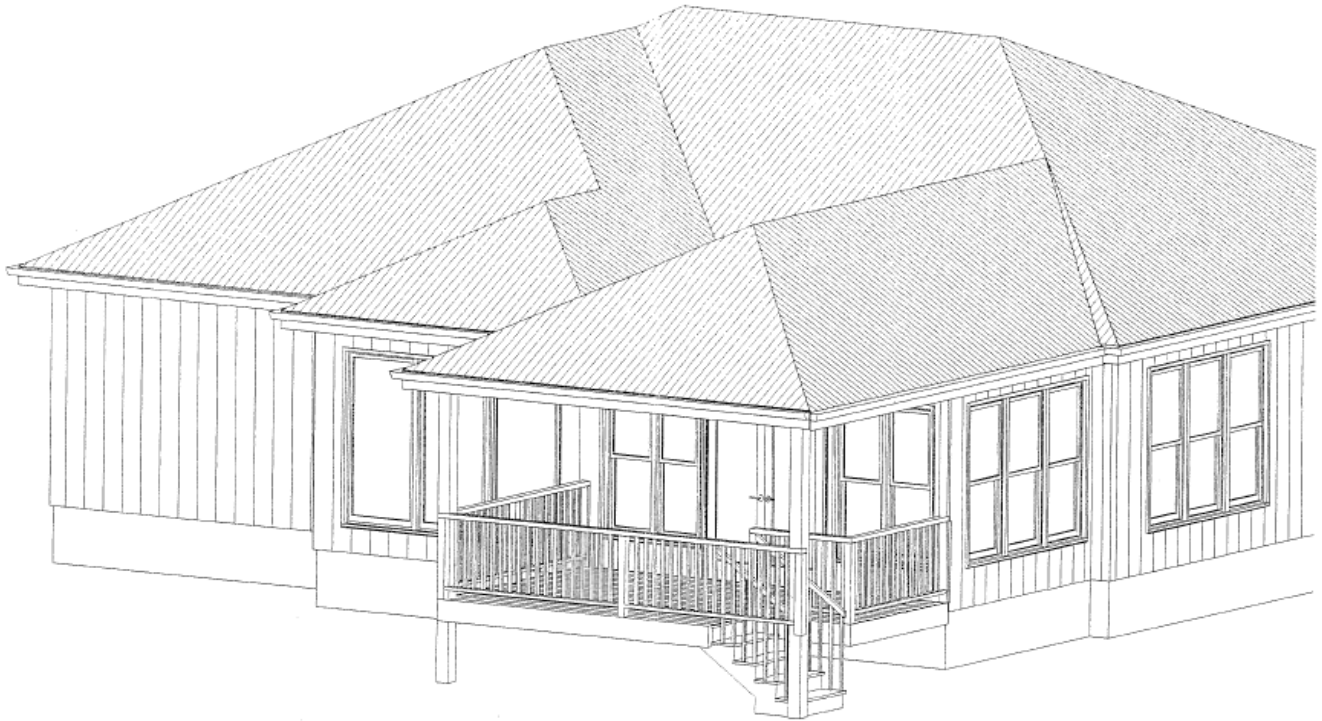
***View of Area of Addition from Right:***



***View of Area of Addition from Left:***



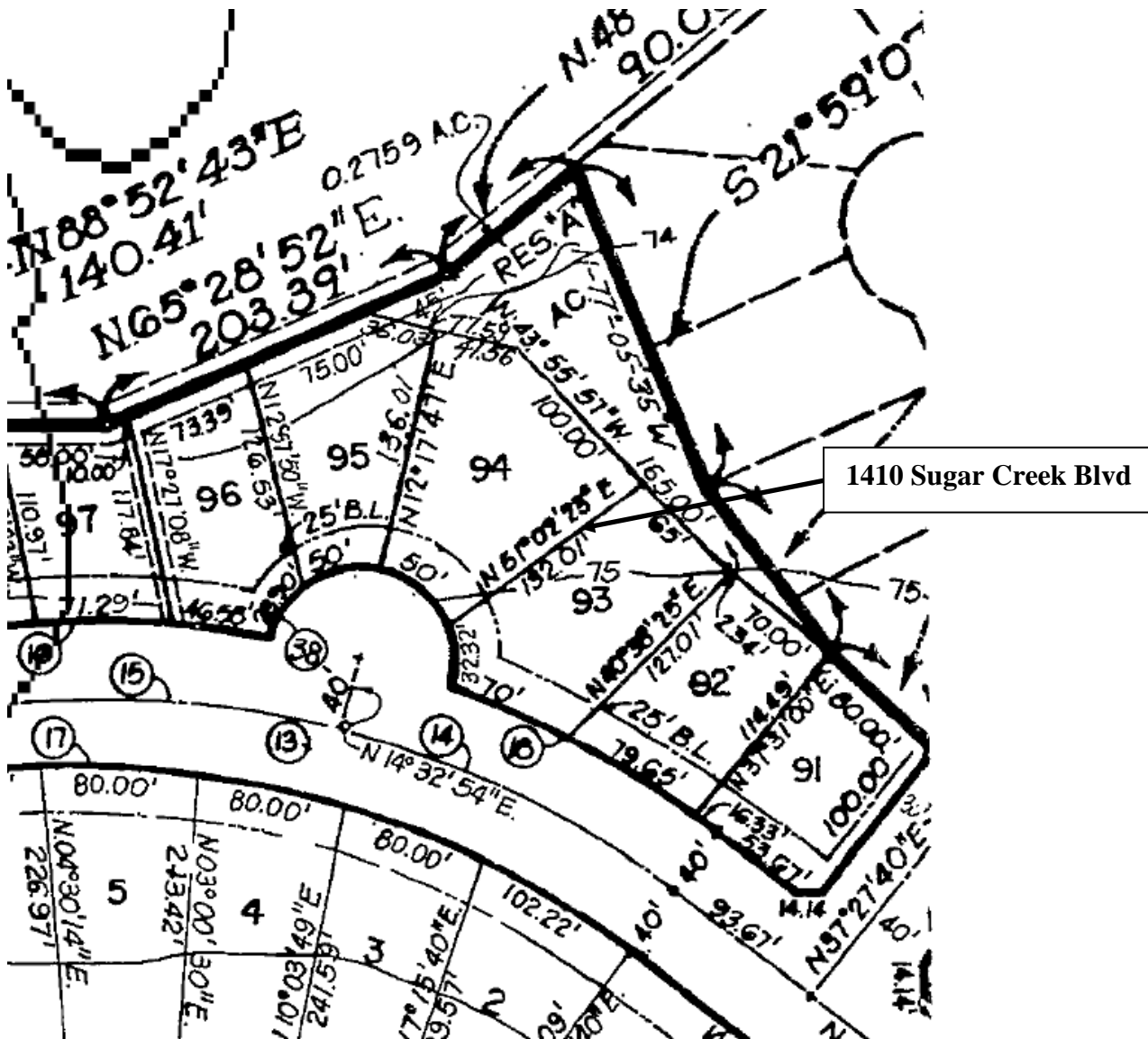
## ELEVATIONS



3D OVERVIEW

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EXCERPT OF RECORDED PLAT



ADDRESS: 1410 SUGAR CREEK BLVD

PROPERTY IS PLATTED AS:

PART OF LOT 93 & 94, BLOCK 5, SUGAR CREEK SECTION 23, IN VOLUME 17, PAGE 13,  
IN THE FORT BEND COUNTY PLAT RECORDS  
(RECORDED IN 1976)

## APPLICATION



FOR OFFICE USE  
Accounting Code: ZC  
\$537.25

### CITY OF SUGAR LAND PLANNING DEPARTMENT

#### SPECIAL EXCEPTION REQUEST APPLICATION ZONING BOARD OF ADJUSTMENT

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: Rick Walsh  
Address: 5902 Windstone Ln. Houston TX 77057  
Company: City Life Homes, LLC  
Phone: 281-961-8741 Fax: 713-771-1521  
Email: RWALSH@WHITAKERINTERESTS.COM

OWNER/AGENT:  
Contact / Company: Lydia Pearle  
Address: 1410 Sugar Creek Blvd. Sugar Land TX 77478  
Phone: 703-209-6821 Fax:   
Email: LPEARLE@ARCCORP.COM

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):  
Address and legal description of the property: 1410 Sugar Creek Blvd.

Date the property was annexed into the City: \_\_\_\_\_

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X [Signature] Date: 8/17/10  
Signature of Applicant

#### SUBMITTAL REQUIREMENTS:

- TWO (2) copies of Application
- Submittal Fee: \$537.25 per Ord. 1701 (non-refundable)
- Two (2) copies of site plan / plot plan (scaled/dimensioned drawing showing location of proposed building) at 11"x17" (8 1/2" x 11" is acceptable if drawing is legible)
- ☒ Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property

## **NOTICE OF PUBLIC HEARING**

### **SPECIAL EXCEPTION 1410 SUGAR CREEK BLVD**

**NOTICE OF PUBLIC HEARING ON A REQUEST FOR SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT, 1410 SUGAR CREEK BLVD, SUGAR CREEK SECTION 23, BLOCK 5, LOTS 93 AND 94 IN THE STANDARD SINGLE-FAMILY (R-1) RESIDENTIAL DISTRICT**

**PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED SPECIAL EXCEPTION REQUEST SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.**

**WHERE: SUGAR LAND CITY COUNCIL CHAMBER  
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: ZONING BOARD OF ADJUSTMENT  
5:00 P.M., SEPTEMBER 15, 2010**

**DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE, TELEPHONE (281) 275-2218 OR EMAIL [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.**